

# United States Court of Appeals For the First Circuit

04-11981  
USDC/MA  
WOODLOCK

Nos. 05-1526, 05-1588

IN RE NEW SEABURY COMPANY LIMITED PARTNERSHIP,  
Debtor,

**MANDATE**

NEW SEABURY COMPANY LIMITED PARTNERSHIP,

Appellant, Cross-Appellee,

v.

NEW SEABURY PROPERTIES, LLC,

Appellee, Cross-Appellant.

## JUDGMENT

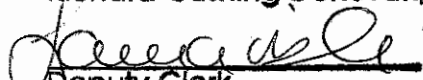
Entered: June 7, 2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The matter is remanded to the district court with instructions to affirm the initial judgment of the bankruptcy court and to vacate the contrary judgments of the district court.

Entered and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

  
Deputy Clerk

Date: 6/30/06

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Douglas P. Woodlock and Ms. Sarah Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Monaghan, Ms. Nowak, Mr. Sobol, Mr. Rosenfeld, Mr. Michaelson, & Mr. Glynn.]